

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

SEVON L. MOORE

CIVIL ACTION NO.: 19-598-P

VERSUS

JUDGE ELIZABETH ERNY FOOTE

WARDEN

MAGISTRATE JUDGE PEREZ-MONTES

JUDGMENT

Before the Court is the Report and Recommendation of the Magistrate Judge. [Record Document 6]. The Magistrate recommends that the 28 U.S.C. § 2254 petition filed by Sevon L. Moore (“Moore”) be dismissed with prejudice as time barred. [*Id.*]. Having considered the report, the record, and the objections filed, the Court concurs with the findings of the Magistrate Judge under the applicable law.

In his opposition, Moore appears to argue for the first time that he is entitled to equitable tolling because he lacked access to the prison’s law library and because he experienced delays in obtaining transcripts and materials from his lawyer’s file. [Record Document 7]. He has not explained how these circumstances prevented him from filing his petition in a timely manner. *See Krause v. Thaler*, 637 F.3d 558, 561 (5th Cir. 2011). His claims of ignorance of the law are also unavailing. *Felder v. Johnson*, 204 F.3d 168, 172-73 (5th Cir. 2000). Therefore, he is not entitled to equitable tolling.

It is ordered that Petitioner’s petition for writ of habeas corpus is **denied**.

Rule 11 of the Rules Governing Section 2254 Proceedings for the U.S. District Courts requires the district court to issue or deny a certificate of appealability when it enters a final order adverse to the applicant. The court, after considering the record in this case and the

standard set forth in 28 U.S.C. Section 2253, **denies** a certificate of appealability because the applicant has not made a substantial showing of the denial of a constitutional right.

THUS DONE AND SIGNED at Shreveport, Louisiana, this the 23rd day
of August, 2019.

ELIZABETH E. FOOTE
UNITED STATES DISTRICT JUDGE

A large, stylized handwritten signature in black ink, consisting of a large loop and a long horizontal stroke, is written over the judge's name and title.